

REMARKS

The Board's decision of April 29, 2004 and the comments and reference cited therein have been carefully studied and, in view of the above changes and the following representations, reconsideration and allowance of this application are most respectfully requested.

The Board has reversed the Examiner's rejection of Claims 6-12 as being unpatentable over Glickman. The Board has also made a new ground of rejection wherein Claims 6, 7 and 9-11 are rejected under 35 U.S.C. §102(b) as being anticipated by the Figure 25 connector element of Glickman. The Board did not, however, reject Claims 8 and 12. These claims are now presented in independent form as new Claims 13 and 14 and should be allowed.

According to the Board, claims 6, 7 and 9-11 read directly on Glickman's Figure 25 connector. In footnote 2, the Board states that in order for a prior art reference to anticipate a claim, it is not necessary that the reference teach the claimed subject matter but only that the claim "read on" something disclosed in the reference. Applicants had previously argued, for example, that the holes or openings of the Glickman connector are not disclosed as mating with the fingers of a connector rod. The Board found this argument unpersuasive and in footnote 3 stated that the manner in which a claimed device is intended to be employed does not differentiate the claim from a prior art device satisfying the structural limitations of the claim. With respect to functional language and statements of intended use, the Board further states in footnote 3 that it is sufficient that the prior art structure be capable of performing the recited function or use. While Applicants do not disagree with the Board's legal statements, it is submitted that they are no longer applicable in view of the claims, as amended.

Newly amended independent Claim 6 now positively recites the genderless rods. These rods are stated to include substantially identical spaced-apart fingers. The claim further describes how the rods and the female connectors are interconnected. Thus, Applicants no longer rely on functional language nor intended use to differentiate the claim from Glickman.

Glickman clearly does not show nor suggest the claimed genderless rods nor genderless rods that include two substantially identical spaced-apart fingers. Thus, Glickman cannot possibly teach the claimed interconnection of the genderless rods with the female connectors. Claim 6, therefore, is not anticipated by Glickman nor could it be considered to be obvious in view of Glickman.

Claims 7-12 include all of the limitations of independent Claim 6. Accordingly, these claims are also believed to be patentable over Glickman for the reasons discussed above.

In view of the foregoing, Applicants submit that all of the claims presently in the application clearly and patentably distinguish over the references of record and should be allowed. It is believed that this application is in condition for allowance and early action toward that end is most respectfully solicited.

Please charge the undersigned's deposit account No. 12-1023 for any additional fees that may be due upon entry of this amendment.

Respectfully submitted,

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